

April 1997

# RESERVE FORCES

## Proposals to Expand Call-up Authorities Should Include Numerical Limitations



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**National Security and  
International Affairs Division**

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April 18, 1997

The Honorable Strom Thurmond  
Chairman  
The Honorable Carl Levin  
Ranking Minority Member  
Committee on Armed Services  
United States Senate

The Honorable Floyd Spence  
Chairman  
The Honorable Ronald Dellums  
Ranking Minority Member  
Committee on National Security  
House of Representatives

To reduce costs and maintain as small an active peacetime force as possible, the Department of Defense (DOD) follows a total force policy that relies heavily upon reserve forces to augment active forces in wartime and peacetime operations and during national emergencies. With over 1.5 million members and a fiscal year 1996 budget of about \$20 billion, the reserve forces are an essential component of the national defense strategy.

Because of concern over the accessibility and responsiveness of reserve forces, the Congress required DOD to prepare a report with recommendations for improving the timeliness, adequacy, and effectiveness of reserve component responses to domestic emergencies and national contingency operations. Section 1231 of the National Defense Authorization Act for Fiscal Year 1997 (P.L. 104-201) required DOD to address whether

- the statutory limitation on the time period for involuntary activation of reservists needed in response to domestic emergencies should be expanded;
- recommendations should be implemented from a 1995 RAND report on National Guard responsiveness to domestic emergencies;
- changes are needed in the statutory authorities for activating reserve units and individuals to facilitate current and future use of the reserve components; and
- statutory provisions are needed to help mitigate the effects of frequent mobilizations on reserve units and individual members, civilian employers, and employees of reserve member employers.

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Section 1231 of the act also required DOD to discuss past and planned initiatives to improve reserve component responsiveness and include participation from the Reserve Forces Policy Board in the development of the report.

In addition, the Congress directed us to assess the adequacy and completeness of the DOD report. This letter summarizes our assessment of the DOD report and recommends additional limitations on DOD's proposals for expanded call-up authorities. A detailed analysis of our position with regard to each of the specific matters addressed in DOD's report is provided in appendixes I through IV. The scope and methodology of our review are discussed in appendix V.

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## Background

In 1973, DOD adopted the total force policy, which recognized that active and reserve U.S. military forces should be readily available to support military operations. As a result, reserve forces were no longer considered to be forces of last resort; rather, they are now recognized as indispensable to the nation's defense from the earliest days of a conflict. In addition, the reserves' peacetime support to the active forces has taken on increased importance in areas such as peacekeeping missions, counterdrug operations, disaster aid, and exercise support. The seven reserve components are the Army Reserve, Army National Guard, Air Force Reserve, Air National Guard, Naval Reserve, Marine Corps Reserve, and Coast Guard Reserve.<sup>1</sup>

As the role of reserve forces has expanded, concerns have been expressed over the adequacy of the statutory authorities for accessing reserve components. Various sections of title 10 of the United States Code provide authorities for the President to order DOD reserve units and individual members to active duty across a wide spectrum of operations.<sup>2</sup> For example, these sections provide that (1) in time of national emergency declared by the Congress or the President, most reservists can be called involuntarily to active duty and (2) when the President determines that it is necessary to augment active forces for operational missions, up to 200,000 members of the Selected Reserve can be called to active duty for

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<sup>1</sup>The Coast Guard Reserve reports to the Secretary of Transportation in peacetime but would be under the authority of the Navy during wartime.

<sup>2</sup>See 10 U.S.C. 12301, 12302, and 12304.

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up to 270 days.<sup>3</sup> This is known as the Presidential Selected Reserve Call-Up (PSRC) authority. Title 10 U.S.C. 12301 also authorizes the service secretaries to activate reservists for up to 15 days each year without their consent and for any time period with their consent.

These authorities were primarily established during the Cold War when reserve forces were mainly designed to expand active duty forces to defeat a global threat from the Soviet Union. With the collapse of the Soviet Union and subsequent changes in the national defense strategy, including increased reliance on reserve forces, attention has focused on whether the existing call-up authorities need to be modified. In some instances, the Congress has modified call-up authorities. For example, the Congress has increased the maximum number of Selected Reservists subject to involuntary recall from 100,000 to the current limit of 200,000<sup>4</sup> and, in October 1994, expanded the maximum time period for PSRC to 270 days.<sup>5</sup> However, the Congress did not approve a prior DOD request to authorize the service secretaries to activate up to 25,000 reservists to perform critical tasks needed to prepare for mobilization prior to an expected PSRC declaration. DOD refers to these tasks as “priming the pump” in anticipation of a PSRC.

Concerns have also been expressed that the expanded role of the reserve forces has increased the frequency that reserve units and individuals have been called to active duty. Because most reservists (a term that includes National Guard personnel) hold civilian jobs and perform their military duties on a part-time basis, calls to active duty can cause major disruptions in the lives of the reservists, their families, their employers, and in some cases their employees. For this reason, increased use of reserve forces could adversely affect the ability of the military to recruit and retain the quantity and quality of people needed to achieve desired readiness levels in the reserve components.

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## Results in Brief

The DOD report on reserve component responsiveness appears to be a complete and appropriate response to the matters identified in the legislative requirement for the report. The report was the result of a collaborative effort among the key DOD organizations involved with reserve matters and generally represented a consensus view based upon military

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<sup>3</sup>The Selected Reserve includes drilling reservists assigned to reserve units, full-time reserve personnel, and individual mobilization augmentees assigned to active component commands.

<sup>4</sup>See section 521(a) of Public Law 99-661, Nov. 14, 1986.

<sup>5</sup>See section 511(a)(1) of Public Law 103-337, Oct. 5, 1994.

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judgment and experience. As required, the Reserve Forces Policy Board fully participated in the development of DOD's report.

DOD concluded that it would be useful to expand the statutory authority for involuntarily accessing reserve component capabilities. Specifically, DOD proposed that the service secretaries' authority to call reservists involuntarily to active duty should be expanded from 15 to 30 days each year and presented two reasons for proposing such a change. First, the expanded authority would provide DOD access to reserves for a longer period, which could be helpful in responding to domestic emergencies and disasters. Second, expanding the call-up authority would allow DOD to activate reservists for up to 30 days to perform critical tasks in preparation for an expected Presidential Selected Reserve Call-Up. Referring to this as the "prime the pump" requirement, DOD stated that, in preparing its report, it had revalidated the need to activate 25,000 reservists for this purpose.

Representatives from the Reserve Forces Policy Board and the seven reserve components generally supported the DOD conclusion that expanded call-up authorities were needed. However, concerns were expressed that expanded authority could result in more frequent, longer, and in some cases unnecessary activations, which could have adverse impacts on reservists, their families, and employers and ultimately affect reserve component recruitment, retention, and readiness.

To help mitigate potential adverse impacts, we believe the proposal for expanded call-up authority should include limits on the maximum number of reservists that could be activated in response to a domestic emergency or in anticipation of a Presidential Selected Reserve Call-Up. These limits should be in addition to a time period limitation as suggested by DOD. Although DOD stated it requires 25,000 reservists for activities prior to a Presidential Selected Reserve Call-Up, it has not determined the appropriate maximum number of reservists needed to respond to a domestic emergency or disaster. In addition, DOD has not validated that its proposed 30-day time period is the appropriate time period needed to effectively respond to domestic emergencies or perform the prime the pump mission.

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## DOD Seeks Expanded Call-up Authority for Domestic Emergencies

The governor of each state can call the state's Army and Air National Guard units to active duty to help respond to domestic emergencies and disasters, such as those caused by hurricanes, floods, and earthquakes. If additional help is needed, a governor can request federal assistance through the Federal Emergency Management Agency (FEMA). With a presidential declaration of disaster, FEMA's federal assistance can include additional military support from DOD.

If requested to respond to domestic emergencies, DOD normally tasks active duty units to provide the necessary assistance. Even if needed to help respond to an emergency, units and members from the Army, the Air Force, the Navy, and the Marine Corps reserve components are not normally used because of statutory limitations. Specifically, 10 U.S.C. 12301(b) allows service secretaries to activate these forces involuntarily for only 15 days each year. However, because this provision is also the authority for the reservists' 2-week annual training requirement, reservists that have completed their annual training cannot be activated under this authority. DOD stated that determining whether reservists have completed their training takes time, which limits the value of any reserve component response. For example, during the aftermath of Hurricane Andrew in 1992, the U.S. Army Forces Command wanted to activate the 841st Engineer Battalion, an Army Reserve unit located in Miami, Florida, to assist in debris clearance, but it did not do so because of these limitations.

In its report, DOD stated that it would be useful to expand the authority for using reserve components to support domestic emergencies. DOD stated that its preferred option would be to have 10 U.S.C. 12301(b) amended to expand from 15 to 30 days the time period that service secretaries could activate reservists. DOD noted that increasing the time period to 30 days would provide up to 15 additional days each year if needed for other active duty missions, even if reservists had completed their annual training. However, DOD did not perform analyses to validate that 30 days would be the appropriate time period or determine the maximum number of reservists needed to effectively respond to most domestic emergencies. Such analyses could consider the experiences of National Guard and active forces used to respond to previous domestic emergencies.

Representatives from FEMA and each of the seven reserve components stated that they supported the DOD position because it provides increased management flexibility to respond to emergencies. However, some representatives stated that in most cases existing authorities were adequate for reserve components to support domestic emergencies. They

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cited the use of volunteers, the authority of reserve unit commanders to accelerate their units' normal drill schedules to meet needs during an emergency, and the existing authority of the Congress and the President to declare a national emergency, which would provide access to all reserve components. Representatives from two reserve components also expressed concerns that increased authority could result in increased use of reservists, which, in turn, could have adverse impacts on reservists, their families, and their employers.

We agree with DOD that it would be useful to expand the authority to allow more ready access to reservists during domestic emergencies. However, we also agree with the reserve representatives that expanded authority increases the risk that reservists could be activated more frequently, which could have adverse impacts. To help mitigate this risk, an expanded service secretary authority to activate reservists for domestic emergencies could include a limitation on the number of personnel that could be activated. For example, in addition to the limit on the number of days, an expanded authority could limit the number of personnel that could be activated to a number that DOD validates as the maximum needed to respond to most emergencies. For emergencies that require access to a greater number of reservists, the President already has existing authority to declare a national emergency, which would provide access to 1 million reservists.

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## **DOD Seeks Expanded Call-Up Authority for Operational Contingencies**

DOD was required to assess the adequacy of the statutory authorities for activating reservists for current and future missions. In its report, DOD stated that the current reserve call-up authorities are sufficient and will be adequate to implement the national security strategy into the 21st century. DOD stated that the three-tiered system of statutory authorities (10 U.S.C. 12301, 12302, and 12304) gives the President a full menu of options with inherent controls to satisfy the American people.

Despite this endorsement, DOD stated that one matter requiring attention is the lack of authority for DOD to involuntarily activate reservists to perform critical tasks prior to an expected PSRC declaration. DOD referred to this need as the prime the pump requirement and stated that it has revalidated the need to activate 25,000 reservists for this purpose. DOD stated that its recommendation to expand the service secretaries' call-up authority under 10 U.S.C. 12301(b) from 15 to 30 days for domestic emergencies would also provide the authority needed for the prime the pump mission.

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However, DOD did not recommend limiting this expanded authority to 25,000 reservists.

Representatives from the Reserve Forces Policy Board and the seven reserve components stated that they supported the DOD position. However, several reserve component representatives stated that expanded authority for involuntary call-up prior to an expected PSRC could result in unnecessary activations, which could, in turn, waste funds and have an adverse impact on reserve component retention. In addition, representatives from two reserve components noted that the proposed authority could be viewed as an extension of PSRC authority from 270 to 300 days because reservists could be activated for 30 days prior to a PSRC and then for 270 days after a PSRC is authorized. They stated that the increased risk of call-ups and the potential for a longer active duty time period could have adverse impacts on reservists.

The Reserve Forces Policy Board noted that the activities required to perform the prime the pump mission would require 30 days. To provide for this time, plus the 15 days of required annual training, the Board stated that a 45-day time period is more appropriate for an expanded authority than the 30 days recommended by DOD.

We did not independently validate DOD's stated need for 25,000 reservists to prepare for an involuntary activation. However, we noted that there appeared to be agreement within DOD that this need exists. To help mitigate concerns that an expanded authority could have negative impacts on reservists, a proposal for expanded authority could limit the number of personnel that could be activated to the 25,000 personnel identified by DOD. Also, in view of the Reserve Forces Policy Board's comments, it appears that DOD needs to validate the time period required to perform the prime the pump mission to determine whether the suggested 30-day time period is sufficient.

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## Recommendations

We recommend that the Secretary of Defense, prior to requesting increased authority to access reserve components,

- determine the maximum number of reservists that should be subject to involuntary call-up during a domestic emergency and
- validate the time periods required to respond to a domestic emergency and perform critical preparation tasks in anticipation of a PSRC declaration to ensure that the proposed time periods are appropriate.

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Should the Secretary of Defense request increased authority to access reserve components, we also recommend that the proposal include limits on the maximum number of reservists that could be activated in response to a domestic emergency or in anticipation of a PSRC declaration.

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## Agency Comments and Our Evaluation

In commenting on a draft of this report, DOD generally concurred with our conclusions and recommendations. DOD stated that the intent of its report was to respond to congressional direction and specific questions. Although DOD determined that expanded call-up authority would be useful, DOD stated that it was not yet at the stage of drafting proposals for legislation. However, DOD agreed that limits must be considered when the legislative proposals actually are made. DOD's comments appear in appendix VI.

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We are sending copies of this report to other interested congressional committees; the Secretaries of Defense, the Army, the Navy, and the Air Force; the Commandant, U.S. Marine Corps; the Commandant, U.S. Coast Guard; and the Director, Office of Management and Budget. Copies will also be made available to others on request.

Please contact me at (202) 512-5140 if you or your staff have any questions on this report. Major contributors to this report are listed in appendix VII.



Mark E. Gebicke  
Director, Military Operations  
and Capabilities Issues

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**Abbreviations**

DOD	Department of Defense
FEMA	Federal Emergency Management Agency
PSRC	Presidential Selected Reserve Call-up

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# Expanding Call-up Authority for Domestic Emergencies

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The Department of Defense (DOD) was required to assess the need to expand reserve component call-up authority for domestic emergencies. The issue deals with whether reserve forces, other than the National Guard, should be available, if needed, to help respond to disasters, such as those caused by major hurricanes, floods, and earthquakes. Currently, statutory limitations restrict the involuntary use of Army, Air Force, Navy, and Marine Corps reserve units and members for domestic emergencies. According to DOD officials, the service secretaries have no quick way to gain access to these reserve units, or their equipment, if needed to respond to a domestic emergency.

The resources needed to respond to major emergencies and disasters often exceed the resources available at the local level. In these cases, the governor of each state may activate the state's Army and Air National Guard units to provide additional assistance. The Guard is usually viewed as the first line of support in responding to large emergencies and natural disasters. However, if a state's National Guard and other resources are not sufficient to handle a crisis, the governor can request federal assistance through the Federal Emergency Management Agency (FEMA). With a presidential declaration of disaster, FEMA's federal assistance can include requests to DOD for additional military support.

DOD normally answers requests for military support during domestic emergencies by tasking active duty units to respond. Even if needed, reserve units, other than the National Guard, normally are not considered to be available to provide assistance because of limitations in the call-up authorities. Specifically, under 10 U.S.C. 12301(b), service secretaries can activate reserve forces involuntarily for only 15 days each year. However, because this time includes the reservists' 2-week annual training requirement, reservists that have completed their annual training cannot be activated under this authority. DOD stated that determining whether reservists have completed their training takes time, which limits the value of any reserve component response.

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## Statutory Authorities for Using Reservists for Domestic Emergencies

The authorities that provide for activating reserve components for domestic emergencies are generally the same authorities that provide for activating reserve components for operational contingencies. For example, sections of title 10 of the United States Code provide authorities for the President to order DOD reserve units and individual members to active duty across a wide spectrum of operations. These authorities vary by (1) the number of reservists who may be ordered to active duty at one

time, (2) the duration of their service, (3) the categories of reservists subject to be called, and (4) the purpose or conditions that must prevail to warrant use of the statutes.

Title 10 U.S.C. 12301(a) provides that, in time of war or national emergency declared by the Congress, the entire membership of all reserve components or any lesser number can be called to active duty for the duration of the war or national emergency plus 6 months. Although this statute normally is viewed as the call-up authority for responding to a major threat to national security, DOD stated that it could be used to activate reservists for a domestic emergency. However, it has never been used for this purpose.

Title 10 U.S.C. 12302 provides that, in time of national emergency declared by the President, up to 1 million members of the Ready Reserve can be called to active duty for not more than 24 consecutive months. Similar to the previous authority, DOD stated that this statute could also provide access to reservists for a domestic emergency, although it has never been used for this purpose.

Title 10 U.S.C. 12304 provides that, when the President determines that it is necessary to augment the active forces for any operational mission, up to 200,000 members of the Selected Reserve can be called to active duty for not more than 270 days. This is known as Presidential Selected Reserve Call-Up (PSRC) authority. This provision also states that no unit or member may be ordered to active duty under this authority to provide assistance to either the federal government or a state in time of a serious natural or manmade disaster, accident, or catastrophe. Thus, this authority cannot be used to access reservists for domestic emergencies.

Title 10 U.S.C. 12301(b) provides that at any time a service secretary can order any reservist to active duty for up to 15 days each year. This authority traditionally has been viewed as the authority allowing the services to enforce the reservists' 2-week annual training requirement. However, DOD's Office of General Counsel provided an interpretation in 1994 stating that this authority could be used for operational missions as well as annual active duty for training. The legal opinion noted that this authority could not be used if a unit or member had already completed 15 days of annual training for the calendar year. DOD stated, however, that this authority has not been used to call reservists involuntarily to active duty for a domestic emergency.

In addition to the involuntary activation of reservists under the above conditions, 10 U.S.C. 12301(d) provides for call-up of reservists who volunteer for active duty. The number of volunteer reservists called to active duty and the length of time they may be kept on active duty generally depends upon the availability of funds and the end-strength authorizations for the active force. In an April 1996 report on reserve volunteers, we noted that thousands of reservists have volunteered for recent peace operations and have performed well.<sup>1</sup>

In contrast to DOD, the Secretary of Transportation has specific statutory authority allowing involuntary call-up of Coast Guard reservists during domestic emergencies. Under provisions of 14 U.S.C. 712, the Secretary of Transportation can activate members of the Coast Guard Ready Reserve involuntarily to support domestic emergencies. Each reservist may be required to serve up to 30 days in any 4-month period and up to 60 days in any 2-year period.

Coast Guard representatives stated that the Coast Guard's mission is primarily to prevent and respond to emergencies on a daily basis. Since this mission continues when a major disaster occurs, the Coast Guard Reserve call-up authority provides ready access to additional resources needed to respond to a disaster. According to Coast Guard officials, Coast Guard reservists have been called involuntarily to active duty to respond to 10 domestic emergencies since 1990, including the Midwest floods of 1993 and Hurricanes Andrew, Marilyn, and Fran. For the 10 emergencies, 956 reservists were activated and served a total of 16,218 days. The length of service during these emergencies ranged from 1 to 38 days and averaged about 17 days.

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## **DOD Recommends Expanding Authority**

In its report, DOD stated that one of its goals is to maximize the reserve component contribution to the total force and relieve active duty units from operational tasks when feasible. To help achieve this goal, DOD stated that it would be useful to expand the authority for using reserve components during domestic emergencies. DOD's preferred option would be to amend 10 U.S.C. 12301(b) by expanding the time period that service secretaries could activate reservists from 15 to 30 days.

The DOD report stated that a service secretary could activate reservists now under this authority but would have to ensure that affected reservists had not performed their annual active duty training. According to the

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<sup>1</sup>Peace Operations: Reservists Have Volunteered When Needed ([GAO/NSIAD-96-75](#), Apr. 26, 1996).

report, checking the annual training status of units and members in the area of a domestic emergency would slow the response time and therefore reduce the value of the assistance provided by the reserves.

DOD stated that, since 15 days are generally used by the Selected Reserve for annual training, increasing the statute to 30 days would provide up to 15 additional days each year for operations. The report stated that a 30-day call-up authority for the service secretaries would, among other things, (1) make it clear that the statute is for more than just training, (2) make the authority similar to that already provided for activating members of the Coast Guard Reserve, and (3) streamline access to local reserve components. Although DOD stated that 30 days would be sufficient to satisfy immediate response requirements for domestic emergencies, DOD did not perform any analyses to validate that this time period is appropriate. Also, the DOD proposal did not include a limitation on the maximum number of reservists that could be called to active duty under the expanded authority.

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## **Our Assessment of the DOD Position**

We discussed the DOD proposal to expand the authority from 15 to 30 days with representatives from FEMA, the Reserve Forces Policy Board, and each of the seven reserve components. All of the representatives stated that they supported DOD's position. However, some representatives expressed concerns that were not fully discussed in DOD's report.

Representatives from the Army and Navy reserves stated that they generally supported DOD's proposal but were not convinced that any change was needed. The representatives stated that they believed existing authorities were adequate for reserve components to support domestic emergencies. They cited the use of volunteers and the authority of reserve unit commanders to accelerate their units' normal drill schedules to meet needs during an emergency. Army Reserve representatives cited numerous cases in which Army reservists volunteered to help during domestic emergencies, including 801 reservists who volunteered for the relief efforts after Hurricane Andrew. The Army and Navy reserve representatives also expressed concerns that increased authority could result in an increased use of reservists, which, in turn, could have an adverse impact on the reservists, their families, and their employers.

A representative from FEMA stated that the agency supported DOD's recommendation primarily because it added management flexibility for cases in which reserve support might be needed for a major domestic

disaster. However, the representative noted that the likelihood of such a case was small. The representative emphasized that most emergencies are handled at the local or state level with support from the National Guard. Also, for larger emergencies that required additional military support, the use of active duty units was preferred over the use of reserve units because active units normally can respond more quickly.

In our June 1993 report on DOD's support for Hurricanes Andrew and Iniki and Typhoon Omar, we noted that the availability of DOD forces to respond to domestic emergencies is largely dependent on what else is going on in the world.<sup>2</sup> A major conflict abroad would limit the type and quantity of support that active forces could provide during a domestic disaster. As a result, we concluded that expanding the authority to provide easier access to reserve forces would provide additional backup resources if needed to respond to major disasters.

We continue to believe that it would be useful to expand the authority to involuntarily activate reservists for domestic emergencies, and we therefore agree with the intent of DOD's recommendation. However, we also agree with Army and Navy reserve representatives that expanded authority increases the risk that reservists could be activated more frequently, which could have adverse impacts on reservists and their families and employers. To help mitigate this risk, a limitation could be placed on the number of personnel that could be activated. For example, an expanded authority could limit such activations to a number that DOD validates as the maximum needed to respond to most emergencies. For emergencies that require access to a greater number of reservists, the President already has existing authority to declare a national emergency, which would provide access to 1 million members of the Ready Reserve.

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<sup>2</sup>Disaster Assistance: DOD's Support for Hurricanes Andrew and Iniki and Typhoon Omar (GAO/NSIAD-93-180, June 18, 1993).

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# Previous Recommendations to Improve Reserve Component Response to Domestic Emergencies

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In its report, DOD was required to address recommendations from a 1995 RAND study on the state and federal missions of the National Guard.<sup>1</sup> With the collapse of the Soviet Union, the end of the Cold War, and the adoption of a national military strategy focused on regional conflicts, DOD developed plans to downsize military forces, both active and reserve, including the National Guard. Plans to downsize the National Guard in view of its state domestic missions created concerns among the governors and in the Congress.

One result of this concern was congressional direction that DOD conduct a study to assess the ability of a smaller National Guard to meet both state and federal mission requirements. RAND performed the study for DOD. The study included four recommendations to assist states during major emergencies and disasters, especially during times when National Guard units could be faced with federal and state missions simultaneously.

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## Need for Expanded Authority to Use Reserves in Domestic Emergencies

The first RAND recommendation stated that federal law should be clarified and amended to authorize presidential call-up of federal reserves of all military services during domestic emergencies and disasters without any time constraint. Although National Guard forces are available to respond to domestic emergencies and disasters, access to the other DOD reserve forces, as discussed in appendix I, is limited by statute. RAND concluded that, in times of peak demand, greater access to reserve forces for domestic use would be beneficial and cost-effective.

In its report, DOD stated that the RAND recommendation was to amend PSRC authority under 10 U.S.C. 12304 to allow use of reserves in domestic emergencies. DOD stated that it did not concur with the recommendation because the President has several other authorities at his disposal that allow access to reserve forces. For example, DOD noted that, in the event of a truly major disaster, the President could declare a state of national emergency and gain access to 1 million reservists under 10 U.S.C. 12302. Representatives from all of the reserve components agreed with DOD's position.

We believe that the DOD response to the RAND recommendation is misleading because of DOD's interpretation of the recommendation. Although the recommendation calls for expanded presidential authority, it does not specifically call for expanded PSRC authority. RAND

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<sup>1</sup>Assessing the State and Federal Missions of the National Guard, National Defense Research Institute, RAND, 1995.

representatives told us that the intent of the recommendation was to ensure that the federal government has access to all of its resources if needed to respond to a domestic emergency. The intent was not to specify which statutory authority should be changed. The RAND representatives also stated that DOD's proposal to expand the service secretaries' call-up authority from 15 to 30 days generally meets the intent of the recommendation, since the service secretaries are under the President's authority. However, they said that the 30-day limit could be insufficient for some domestic emergencies.

We agree that DOD's proposed expansion to a 30-day call-up authority generally meets the intent of the RAND recommendation. As stated previously, however, we believe that having a time limit, as well as a total personnel limit, on the expanded authority provides important safeguards for reservists and their families and employers.

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## **Need for a National Compact for Sharing Resources**

The second RAND recommendation stated that DOD should develop and support the establishment of an appropriate national-level compact for interstate sharing of resources, including the domestic capabilities of the state National Guards, during emergencies and disasters. RAND noted that peak state demands for disaster assistance can require assets and capabilities that exceed the available state supply. Compacts and mutual support agreements could help ensure access to added personnel and equipment resources needed during emergencies. This type of support structure could also provide increased state access to scarce or special capabilities otherwise not available to the states.

The RAND study noted that several state compacts or mutual sharing agreements already existed. For example, during the Midwest floods of 1993, the Texas National Guard provided CH-47 helicopter support to Iowa because Iowa and its Guard lacked the capabilities this aircraft provided. However, RAND concluded that a national-level compact would be preferable over state or regional compacts. A national compact would (1) ensure universal access for special capabilities, (2) provide equal access to other state resources, and (3) eliminate the establishment of unnecessary regional coordinating organizations.

Since issuance of the RAND report, the Congress already has taken action to help implement this recommendation. In October 1996, the Congress passed House Joint Resolution 193 (P.L. 104-321), which provided congressional consent to the Emergency Management Assistance Compact

sponsored by the Southern Governors' Association. The compact provides for mutual assistance in managing emergency disasters among the states entering into the compact. The compact also clarified several cost and liability questions associated with the assets of one state being used to provide assistance in another state. Further, the compact provides a framework to become a national compact because other states can join it. The President signed the resolution on October 19, 1996.

In its report, DOD noted that the RAND recommendation is already being implemented and that DOD supported the Emergency Management Assistance Compact. Representatives we interviewed from all of the reserve components agreed with DOD's position. RAND representatives also stated that they agreed that the compact provides a basis for implementing their recommendation.

We believe that DOD's response was appropriate.

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## **Need to Create Contingency Stocks to Support Disasters**

The third RAND recommendation stated that federal-level contingency stocks should be created to support the National Guard during domestic disasters. RAND noted that contingency stocks are available to support the National Guard during civil disturbances. However, contingency stocks to support other domestic emergencies and disasters did not exist. RAND suggested that DOD, by coordinating with FEMA, could identify and provide standing stockpiles of equipment and items, such as emergency lighting, cots, blankets, and tents, to assist National Guard responses to domestic emergencies.

In its report, DOD stated it agreed that contingency stocks for domestic emergencies constitute a worthwhile and beneficial asset. DOD supported the continuation of the National Guard sites that stock items to support the military during civil disturbance missions. DOD also noted that FEMA has three regional sites in Georgia, Texas, and California that stock items needed during domestic disasters. Because FEMA already has these sites, DOD stated that additional DOD stockpiles were not needed.

Representatives we interviewed from all of the reserve components agreed with DOD's position. FEMA also supported DOD's position. FEMA stated that its logistics support centers are strategically located and stock critical items that states most often ask the federal government to provide during emergencies and disasters. Also, the centers' resources are available to the National Guard during declared emergencies and disasters. RAND

representatives stated that FEMA's centers were established after the RAND study was completed and that the centers appear to fulfill the intent of the RAND recommendation.

We believe that DOD's response was appropriate.

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## **Need for Support for Federal-State Disaster Planning Exercises**

The fourth RAND recommendation stated that federal funding and regulatory support should be provided for federal-state disaster emergency response planning exercises. RAND reported that federal-state exercises were beneficial in assessing plans for integrating the resources of all involved agencies prior to an actual disaster. However, certain funding and regulatory limitations hindered participation of key National Guard planners in federal-state emergency response planning exercises largely because such exercises were not considered to be related to military functions.

In its report, DOD stated that, although it agreed that a civil exercise program is important, funding for such exercises should come through channels other than DOD. DOD also stated that the exercise planning and funding process is a state responsibility and the issue should be addressed by the states in conjunction with FEMA. DOD did not address the matter of regulatory support or state whether any regulatory changes were needed to foster Guard participation in federal-state emergency response planning exercises.

Representatives we interviewed from the reserve components generally agreed with DOD's position. Also, Army National Guard representatives noted that, after the RAND report was issued, the Congress amended 32 U.S.C. 503(a) to allow the National Guard to participate with the Army or the Air Force in disaster and emergency response training and exercises.<sup>2</sup> These representatives stated they knew of no existing regulatory limitations that restricted Army National Guard participation in federal-state emergency response exercises.

A FEMA representative also agreed with DOD's position, stating that planning for and performing emergency response exercises is a state and local function. In this regard, he stated that FEMA provides annual grants to each state to plan and prepare for disasters. According to this

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<sup>2</sup>See section 517 of the National Defense Authorization Act for Fiscal Year 1996, Public Law 104-106, February 10, 1996.

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**Appendix II  
Previous Recommendations to Improve  
Reserve Component Response to Domestic  
Emergencies**

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representative, many states fund their own emergency response exercises and usually invite federal agencies to participate.

Because of the reserve components' and FEMA's concurrence with DOD's position and the absence of specific examples of regulatory limitations on reserve components' participation in federal-state emergency planning exercises, we believe that DOD's response was appropriate.

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# Adequacy of Statutory Authorities for Activating Reserve Components

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DOD was required to assess the adequacy of the statutory authorities for activating reservists for current and future missions. The adequacy of statutory authorities for accessing reserve components has been a subject of concern over the past several years as the role of reserve forces has expanded. For the most part, the laws and policies providing access to the reserves were established during the Cold War when reserve forces were mainly designed to expand active duty forces to defeat a global threat from the Soviet Union. With the collapse of the Soviet Union, continued reliance on reserve components during major regional conflicts, and increased use of reservists during peacetime operations and in some domestic emergencies, attention has focused on whether the existing access authorities need to be changed.

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## Previous Accessibility Reports

In response to the changing military strategy after the Cold War, DOD conducted a study in 1994 on how to improve access to the reserve components. DOD issued a report in March 1994 that recommended several actions to improve accessibility, including the following:

- Seek legislative change in PSRC authority to increase the maximum duration of active duty time from 180 to 360 days.
- Seek legislative change to provide the Secretary of Defense authority to activate 25,000 members of the Selected Reserve to support time-sensitive missions associated with mobilization while allowing the President time to determine whether greater numbers of reservists should be ordered to active duty under existing authorities.
- Use existing authorities within DOD to provide involuntary access under PSRC to individuals currently assigned to the Individual Ready Reserve.<sup>1</sup> These reservists would be used to fill vacancies in early deploying units. One option for achieving this access would be to create a new reservist category by changing future enlistment contracts and officer agreements to require service in this category for a period of time after release from active duty.

On the basis of these recommendations, DOD requested that the Congress make its proposed legislative changes and directed the Army to prepare an implementation proposal for the new reserve category. The Congress

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<sup>1</sup>The Individual Ready Reserve is a category of non-drilling reservists who have previous military experience. PSRC authority provided by 10 U.S.C. 12304 does not include call-up of reservists in the Individual Ready Reserve.

approved an extension of the duration of a PSRC call-up to 270 days, rather than the 360 requested by DOD.<sup>2</sup>

According to DOD, the Congress did not approve implementation of call-up authority for the 25,000 reservists largely because of concern that not enough attention had been given to the possible effects on reservists, their families, and their employers. Instead, through section 511 of the National Defense Authorization Act for Fiscal Year 1995, the Congress directed DOD to prepare a separate report on the desirability of increasing the President's authority to call reservists involuntarily to active duty.

As a result of this direction, DOD studied the matter and in June 1996 issued a report that included the following points:

- DOD continued to report a need for early access to some reservists to support certain crises prior to an expected PSRC. One option to achieve this access continued to be a legislative change to provide the Secretary of Defense authority to activate 25,000 reservists. However, since the Congress had rejected this proposal, DOD reported that instead it would expedite access to critical reserve forces by (1) streamlining its procedures for requesting PSRC and (2) using existing authority to order members of the Selected Reserve to active duty for up to 15 days—provided these members had not already performed their annual reserve training.
- DOD continued to report a need to obtain access to members in the Individual Ready Reserve to fill vacancies in early deploying units during a PSRC call-up. Rather than using existing authorities to create a new category of reservists as proposed in the 1994 report, DOD reported that it would propose legislation to create a new subcategory of volunteers within the Individual Ready Reserve that would be subject to involuntary call-up under PSRC.
- DOD reported that no other changes were needed in legislative authority to access reserve forces for domestic emergencies or operational contingencies.

The Congress did not pass the proposed legislation for a new subcategory of reservists in the Individual Ready Reserve. However, because of continued concern over the adequacy of reserve accessibility, the Congress mandated a new DOD study of accessibility issues—the subject of this report.

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<sup>2</sup>See section 511(a)(1) of Public Law 103-337, Oct. 5, 1995.

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## **DOD Recommends Expanding Authority**

In its current report, DOD stated that the present system of reserve call-up authorities are sufficient and will be adequate to implement the national security strategy into the 21st century. DOD stated that the three-tiered system of statutory authorities (10 U.S.C. 12301, 12302, and 12304) give the President a full menu of options with inherent controls to satisfy the American people. Further, these authorities contain sufficient flexibility to ensure that the forces required are available without mission-inhibiting constraints.

Despite this endorsement, DOD stated that two shortcomings in the statutory authorities need to be addressed. The first is the lack of authority to involuntarily activate reservists to perform critical preparation tasks prior to an expected PSRC declaration—the same issue discussed in the two prior DOD accessibility reports. DOD referred to this need as the “prime the pump” requirement and stated that it has revalidated the need to activate 25,000 reservists for these tasks. DOD also stated that its recommendation to expand the service secretaries’ call-up authority under 10 U.S.C. 12301(b) from 15 to 30 days for domestic emergencies would also provide the authority needed for the pre-PSRC mission. DOD did not recommend limiting this expanded authority to 25,000 reservists.

The second shortcoming noted in the DOD report is the lack of authority to activate selected members in the Individual Ready Reserve when a PSRC is authorized. According to DOD, since most Army units are not maintained at full strength during peacetime, it needs individual replacements to bring both active and reserve units to wartime strength. Existing authority allows access to the Individual Ready Reserve only after a congressional or presidential declaration of national emergency.

To provide a mechanism to access Individual Ready Reserve members under a PSRC, DOD recommended an amendment to 10 U.S.C. 12304 to accommodate its proposed Voluntary Early Access of Ready Reserves Program. Under the proposed program, a new subcategory in the Individual Ready Reserve would be created that consisted of volunteers. Upon PSRC authorization, DOD could access up to 30,000 members of this subcategory to bring units up to their wartime strength. The proposed Voluntary Early Access of Ready Reserves Program is derived from similar proposals discussed in the two prior DOD accessibility reports.

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## **Our Assessment of the DOD Position**

We discussed with representatives from the Reserve Forces Policy Board and the seven reserve components the DOD position that it needs access to

25,000 reservists prior to an expected PSRC. All of the representatives stated that they supported the DOD position. However, some representatives expressed concerns that were not fully discussed in the DOD report. For example, Army National Guard, Army Reserve, and Naval Reserve representatives stated that expanded authority to allow involuntary call-up of reservists for up to 30 days prior to an expected PSRC could result in unnecessary activations. Unnecessary activations could, in turn, waste funds and have an adverse impact on reserve component retention. A Naval Reserve representative noted that, under the existing authority, reservists, their families, and their employers are somewhat assured that any call-ups will be truly warranted because of the significant effort that goes into the decision process leading to a PSRC declaration.

Army and Navy reserve representatives also noted that an expanded authority could be viewed as an extension of the PSRC call-up authority from 270 to 300 days because reservists could be activated for 30 days prior to a PSRC and then for 270 days after PSRC is authorized. They stated that the increased risk of call-ups and the potential for a longer active duty time period could have adverse impacts on reservists and their families and employers.

The Reserve Forces Policy Board agrees with the DOD position that access to critical reserve capabilities is needed prior to an involuntary activation. However, the Board believes that the statutory authority should be increased to 45 days instead of 30 days as proposed by DOD. Board representatives noted that the activities required to perform the prime the pump mission would require 30 days. To provide for this time plus 15 days of annual training, the Board believes that 45 days is more appropriate than the 30 days DOD recommended. In its report, DOD did not state the time period required to complete the pre-PSRC tasks or note why 30 days was recommended as the appropriate time period.

We did not independently validate DOD's stated need for 25,000 reservists to prepare for an involuntary activation. However, there appeared to be agreement within DOD that this need exists. One way to help mitigate concerns that an expanded authority could have adverse impacts on reservists would be to have an expanded authority that limited the number of personnel that could be activated to the 25,000 personnel identified by DOD. Also, it appears that DOD needs to validate the time period required to perform the prime the pump mission to ensure that its proposed 30-day period is sufficient.

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**Appendix III  
Adequacy of Statutory Authorities for  
Activating Reserve Components**

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We also discussed with representatives from the Reserve Forces Policy Board and the seven reserve components the DOD position that it needs access to Individual Ready Reserve members under PSRC. All of the representatives stated that they supported the DOD position. However, some representatives expressed concerns that were not fully discussed in the DOD report. For example, several reserve component representatives stated that only the Army has a need to access Individual Ready Reserve members. For the most part, the Army's mission is personnel intensive. As such, it is less costly for the Army to rely on Individual Ready Reserve members to bring units up to wartime strength because these members do not regularly drill and do not get paid unless activated. A Marine Corps reserve representative expressed concern that the Army's practice of relying on Individual Ready Reserve members could be forced on the other reserve components. The concern is that these reservists might not have the skills needed when called up because they do not regularly drill or otherwise train. In such cases, a unit's readiness could be affected.

We did not independently validate DOD's need to access Individual Ready Reserve members during a PSRC. However, we noted that there appeared to be agreement within DOD that this need exists. Also, as currently envisioned, only volunteers would be included in the Individual Ready Reserve subcategory that would be subject to activation under PSRC.

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# Mitigating the Effects of Frequent Mobilizations

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Calling reserve component members to active duty can cause major disruptions in the lives of the reservists, their families, their employers, and in some cases their employees. According to DOD officials, attention must be given to ensure that reservists called to active duty are released as soon as possible and that appropriate programs exist to minimize the impacts from frequent mobilizations. Failure to do these actions can have an adverse impact on the ability of the reserve components to recruit and retain the quantity and quality of people needed to achieve desired readiness levels.

DOD was required to address (1) procedures for releasing reservists from active duty, (2) ways to minimize the impact of frequent call-ups on reserve component recruitment and retention, and (3) other matters related to the needs of reservists and their employers.

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## Releasing Reservists From Active Duty

According to DOD officials, many reservists involuntarily activated for Operation Desert Storm believed that they were retained on active duty for a longer period than was necessary. Some reservists and others perceived that some reserve component units unnecessarily remained overseas after active duty units had returned home. Such perceptions created a concern that some reservists had not been used as intended under DOD policy.

In its report, DOD stated that DOD's policy is to use reserve component forces only during the most essential portions of an operation. DOD stated that reserve component forces would normally be deployed into an area after active component forces and would be first in line for return and release from active duty at the conclusion of an operation. DOD also noted that its policy for releasing reservists from active duty was clarified and published on July 1, 1995, in DOD Directive 1235.10, "Activation, Mobilization, and Demobilization of the Ready Reserve."

DOD Directive 1235.10 states that reservists ordered involuntarily to active duty will be retained on active duty for no longer than absolutely necessary. These reservists will receive priority for redeployment from the area of operations over active component units and be released from active duty as expeditiously as possible, consistent with operational requirements. The policy recognizes that the only capability to perform certain functions, such as the Army's water supply battalions, resides in the reserve components. In such cases, some reserve units may be required to be deployed for a longer period than some active duty units.

DOD concluded that its policy and procedures for releasing reservists called to active duty are sufficient and that no additional directives or statutory provisions are needed at this time. Representatives we interviewed from the Reserve Forces Policy Board and the seven reserve components agreed with DOD's position.

Because DOD has given attention to this issue, as evidenced by issuance of its 1995 directive, and because we found no evidence that this matter continues to be a major concern, we believe that DOD's response was appropriate.

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## **Minimizing Impacts of Frequent Mobilizations on Recruitment and Retention**

To improve responsiveness and help keep recruitment and retention levels at acceptable levels, several initiatives have been implemented over the past several years. These initiatives attempted to improve the support provided to reserve component members and their families and help mitigate the impacts from active duty service.

One key initiative was the Uniform Services Employment and Reemployment Rights Act (P.L. 103-353), signed into law in October 1994. This act clarified and strengthened the employment and reemployment rights of military service members. The act supports the premise that, upon completion of a period of military service, returning service members are to be reinstated to their civilian jobs without loss of seniority, status, or pay. In its report, DOD noted that the act does not protect approximately 2,000 reservists employed abroad by foreign companies. DOD stated that it is working with other U.S. government departments and organizations to extend as much protection as possible in these cases. Also, DOD stated that it is considering proposing changes to the act that would extend coverage to reservists employed overseas by U.S. employers.

The DOD report did not discuss several other recent initiatives that were designed to help reservists and have a positive impact on reserve component recruitment and retention. For example, at the direction of the Congress, DOD implemented the Ready Reserve Mobilization Income Insurance Program in October 1996. This self-funded, voluntary program was intended to protect reservists against loss of income during activation. The program is currently under review because of questions concerning the program's financial and actuarial soundness.

In its June 1996 accessibility report, DOD noted another initiative that had strengthened reserve component family support programs. DOD issued an instruction in September 1994 that required all reserve components to ensure that reservists and their families are adequately informed of their benefits and entitlements and prepared in the event of mobilization. The June 1996 accessibility report also noted that the National Committee for Employer Support to the Guard and Reserve had improved its outreach program to employer groups, its ombudsman program, and mechanisms to gather employer views.

In its report, DOD stated that reserve component accession rates were steady over the last several years with neither a clear increase nor decline. DOD stated that present evidence seemed to indicate that increasing the use of reserve members was not having an adverse effect on reservists' willingness to participate. However, DOD noted that RAND was conducting a major study for DOD to assess the impact of frequent mobilization on recruiting and retention. Results from the study, due in September 1997, should provide DOD with additional information to assess the need for future initiatives in this area. Representatives we interviewed from the Reserve Forces Policy Board and the seven reserve components agreed with DOD's position.

Although the DOD report did not fully discuss recent initiatives associated with reserve component recruiting and retention, we believe that DOD's response was appropriate.

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## **Other Matters Related to the Needs of Reservists**

In its report, DOD noted that volunteerism should be the mode of choice for accessing reserve component capabilities because of its minimal impact on reservists and the civilian community. According to DOD, the most important factor affecting the willingness of reservists to volunteer for active duty is the attitude of their families and civilian employers. Reservists say they are more likely to volunteer if their spouses and employers are supportive and capable of carrying on without them while they are gone.

DOD reported that recent surveys indicated that employers generally supported reserve component involvement in major regional conflicts. The surveys showed that employers were less likely to support their employees' participation in other operations, such as humanitarian or peacekeeping missions. However, since Operation Joint Endeavor/Joint Guard began in Bosnia in December 1995, there has not been a marked

increase in complaints filed through ombudsman channels with the National Committee for Employer Support of the Guard and Reserve.

DOD stated that the need still exists to create employer incentives that will build support for their reservist employees to volunteer for active duty when needed. DOD identified the following areas as potential directions to explore to increase support for voluntary reserve active duty:

- Tax breaks for employers of reservists. DOD stated that this issue was being addressed in a separate report, as required by section 1232 of the National Defense Authorization Act for Fiscal Year 1997.
- Low-cost loans to reservists' small businesses. DOD stated that this issue was being addressed in a separate report, as required by section 1234 of the National Defense Authorization Act for Fiscal Year 1997.
- Dental and medical insurance for reservists and their families.
- Preferential consideration to employers of reservists for government contracts.

We discussed DOD's position with representatives from the seven reserve components and the National Committee for Employer Support of the Guard and Reserve. The National Committee representatives stated that they agreed with DOD that employers continued to be generally supportive of their reservist employees. They noted the results from a 1996 Air Force Reserve employer survey that included 1,318 responses. The survey found that (1) 62 to 64 percent of the employers believed reservists should serve as long as necessary during domestic emergencies, (2) 57 percent of the employers believed reservists should serve as long as necessary during regional conflicts, and (3) absences of 14 to 30 days were tolerable for the majority of employers.

The National Committee representatives also stated that they agreed with the DOD position that additional employer incentives are still needed to continue employer support for the Guard and reserves. Representatives from the reserve components also agreed with the DOD position.

We believe that DOD's response to this matter was appropriate.

# Scope and Methodology

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Our work focused at the Office of the Secretary of Defense and at the headquarters level of the military services and the reserve components, including the Coast Guard reserve. We also performed our work at FEMA, the Reserve Forces Policy Board, the National Committee for Employer Support to the Guard and Reserve, RAND, the National Academy of Public Administration, the National Guard Association of the United States, and the Reserve Officers Association of the United States. At each location, we interviewed responsible agency personnel and reviewed applicable policies, procedures, and documents.

To explore the issues addressed in DOD's report, we (1) researched the matters identified in the legislation, (2) reviewed the current statutes related to reserve component call-up authority, (3) reviewed reserve component recruitment and retention statistics, (4) obtained information on recent and planned DOD initiatives designed to support reservists and mitigate the impacts from frequent mobilizations, (5) discussed the RAND study recommendations with cognizant officials from RAND, and (6) interviewed reserve component officials and other knowledgeable representatives to obtain their views of the issues discussed in the DOD report.

To assess the adequacy and completeness of DOD's report and its recommendations, we (1) reviewed the methodology and criteria used to develop the report's findings and recommendations, (2) reviewed the DOD report to determine whether all of the matters required by the legislation were addressed in a complete and adequate manner, (3) considered whether the views of representatives from the seven reserve components and other interested organizations concurred with the report and its recommendations, and (4) determined whether the Reserve Forces Policy Board participated in report development as required by the legislation.

We conducted our review between October 1996 and March 1997 in accordance with generally accepted government auditing standards.

# Comments From the Department of Defense



RESERVE AFFAIRS

ASSISTANT SECRETARY OF DEFENSE

WASHINGTON, DC 20301-1500

Mr. Mark E. Gebicke  
Director, Military Operations and  
Capabilities Issues  
National Security and International  
Affairs Division  
U.S. General Accounting Office  
Washington, DC 20548

Dear Mr. Gebicke:

This letter constitutes the Department of Defense (DoD) response to the General Accounting Office (GAO) draft report *RESERVE FORCES: Proposals to Expand Call-Up Authorities Should Include Numerical Limitations* dated March 21, 1997 (GAO Code 703173/OSD Case 1324). The Department has reviewed the draft report and generally concurs. One minor technical correction was provided directly to the GAO staff for consideration.

As you know, the intent of the DoD report was to respond to Congressional direction and to answer specific questions, not to propose specific legislation. We did assess the possible extension to the call-up authority under 10 USC 12301(b), and determined that such an extension could be a useful tool to enhance Reserve Component accessibility. We agree that a limit on number of Reservists must be considered when actually drafting a proposal for legislative change, but we are not yet at that stage.

The Department appreciates the opportunity to comment on the draft GAO report.

Sincerely,

A handwritten signature in black ink that reads "Deborah R. Lee".

Deborah R. Lee

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# Major Contributors to This Report

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**National Security and  
International Affairs  
Division, Washington,  
D.C.**

Sharon A. Cekala, Associate Director  
Valeria G. Gist, Assistant Director

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**Office of the General  
Counsel**

Herbert I. Dunn, Senior Attorney

---

**Norfolk Field Office**

Gary W. Phillips, Evaluator-in-Charge  
James E. Ellis, Senior Evaluator

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